

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 06-1102

Bally Total Fitness

vs.

Liberation Inv LP, et al.

Bally Total Fitness Holding Corporation, Appellant

(Delaware District Civil No. 05-cv-00841)

O R D E R

In accordance with the agreement of the parties in the above entitled case, it is entered dismissed by the Clerk under the authority conferred upon her by Rule 42(b), Federal Rules of Appellate Procedure without cost to either party.

Marcia M. Waldron

Clerk
United States Court of Appeals
for the Third Circuit

Date: January 30, 2006

cc:

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Marcia M. Waldron, Clerk